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APPLICATION NO. .	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,819	02/18/2004	Hyung-kyoon Kim	1293.1937	6807

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EXAMINER

RIVERO, MINERVA

ART UNIT PAPER NUMBER

2627

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,819

Applicant(s)

KIM, HYUNG-KYOON

Examiner

Minerva Rivero

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing-sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. ^{3 6}
_{^ ^} Claims 1, 4-5, 7, 9 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Green *et al.* (US 7,114,028), hereinafter Green, in view of Shishido (US 6,876,615).

4. Regarding claims 1, 4-5, 9 and 10 Green discloses a method of recording data on an optical disc in an Incremental Recording mode in which data is partially recordable, the method comprising:

determining whether the optical disc is formatted and recording data on the optical disc upon determining that the optical disc is not formatted (Col. 5, Lines 25-33); checking a state of the optical disc in a recording management area in which disc information is recorded (Col. 6, Lines 1-4 and 42-44); and erasing, after the checking of the state, data ranging from a next writable address to a predetermined block upon determining that the optical disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-in area (Col. 2, Lines 16-28 and 49-52, see Fig. 8).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Green, and data ranging from a next writable address to a predetermined block upon determining that the optical disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-in area, in order to erase only the contents information of the track.

5. Regarding claim 3, Green does not explicitly disclose but Shishido does discloses recording, after the checking of the state, data from a next address upon determining that the optical disc is a Minimal Blank disc in which data is from the recording management area to a lead-out area (Col. 2, Lines 15-28 and 53-63).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Green, and recording, after the checking of the state, data from a next address upon determining that the optical disc is a Minimal Blank disc in which data is from the recording management area to a lead-out

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area, as disclosed by Shishido, in order to record data in a manner compatible with the minimally blank disk state.

6. Regarding claim 6, Green does not explicitly disclose but Shishido does disclose the checking comprises checking a recording management area to determine whether the disc is Fully Blanked or Minimally Blanked (Col. 8, Lines 6-19 and 22-29).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Green and have the checking comprise checking a recording management area to determine whether the disc is Fully Blanked or Minimally Blanked, as disclosed by Shishido, in order to determine how to proceed with the writing of data on the disc.

7. Regarding claim 11, Green does not disclose but Shishido does disclose the desired portion of the disc is designated by a write start address and the portion of the optical disc from which second data is erased is the next writable address to a predetermined block (Col. 9, Lines 1-8 and 37-39).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Green, and have the desired portion of the disc be designated by a write start address and the portion of the optical disc from which second data is erased is the next writable address to a predetermined block, as disclosed by Shishido, in order to accurately detect a new data recordable position.

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8. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green in view of Shishido, further in view of Lee (US 7,106,665).

9. Regarding claims 2, 8 and 12, the combined teachings of Green and Shishido do not explicitly disclose but Lee does disclose the determining further comprises outputting a recording error message upon determining that the optical disc is formatted (Col. 4, Lines 37-40).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Green and Shishido and output a recording error message upon determining that the optical disc is formatted, as disclosed by Lee, in order to notify the user of the error.

Allowable Subject Matter

10. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Regarding claim 13, no reference alone or in combination discloses the second data is one error correction code block from a next writable address.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Summers *et al.* (US 7,120,735) disclose automatic formatting of removable media.

Shishido (US 7,085,214) discloses a data recording apparatus including pseudo-erasing features.

Shishido (US 7,082,089) discloses a data recording apparatus wherein new data is recorded where the data has been pseudo-erased.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR 12/4/06



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER